

# **APPENDIX A**

## **EAST DEVON DISTRICT HOUSING SUPPLY WINDFALLS/UNIDENTIFIED HOUSING DEVELOPMENT**

Analysis and Justification Background Paper

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## **1. SUMMARY AND BACKGROUND**

- 1.1. Windfall developments are 'unidentified developments', meaning that they are typically sites that are not allocated in a local plan or neighbourhood plan, and are unexpected in terms of their contribution to housing land supply.
- 1.2. Historically, windfalls have formed a significant part of the overall supply of residential development in East Devon. When they have planning approval, they become 'known' and the council counts actual completions and commitments (i.e. with planning permission) from these sites as part of the identified supply from completion and commitments, at the monitoring points. The latest monitoring point is 31 March 2023, which is the base date for the information in the council's evidence document Housing Monitoring Update ending 31 March 2023 (HMU 2023).
- 1.3. This paper provides evidence of data and an assessment of past trends and future potential housing supply on 'windfall' sites in East Devon district. The evidence draws on completions data in the council's housing monitoring database about previous windfall/unidentified residential development in East Devon District from 1 April 2017 to 31 March 2023. This enables conclusions to be drawn about trends and to consider reasons why trends might change. It also considers evidence from the East Devon Housing and Economic Land Availability Assessment November 2022.
- 1.4. In addition, the Government's National Planning Policy Framework (NPPF) allows the council to include an allowance for future, unidentified windfalls as part of the forecast housing supply subject to compelling evidence that windfalls will be a reliable source of supply.
- 1.5. This paper is part of the audit trail to demonstrate that evidence about the issues relating to windfall sites, and in particular the windfall allowance, is available to the council in a timely way to inform its plan preparation and decision making, and in justifying the allowance in the current 5 year housing land supply assessment.
- 1.6. It demonstrates that the evidence is available to identify, assess and consider a complete range of potential strategic options for a windfall allowance. It reaches conclusions about which options meet NPPF requirements. The paper also considers the strategic implications for the balance in the forecast housing supply between unplanned windfalls and planned allocations in the emerging local plan.
- 1.7. This paper identifies eight options for the windfall allowance for East Devon based on particular windfall types and site size in the district.
  - Option 1 focuses on the windfall allowance for current development management purposes, related to the 2023 Housing Monitoring Update and its 5 year housing land supply assessment.

- The other 7 options consider the potential to increase or decrease the windfall allowance compared to Option 1, and the implications for the balance between windfalls and allocations in the emerging local plan, for plan-making purposes.
- 1.8. The paper contains evidence which is used to assess the eight options for forecasting an allowance for future windfalls not yet approved as at the 2023 monitoring point (31 March 2023). An allowance can then be included as part of the forecast housing supply for the following time periods:
- The 5 year period 1 April 2023 to 31 March 2028, for calculating the 5 year housing land supply for NPPF paragraph 74 purposes; and
  - The plan period (1 April 2020 to 31 March 2040) for the emerging East Devon local plan, for inclusion in the forecast housing supply for the plan period. This paper is part of the evidence base for the emerging East Devon local plan.
- 1.9. The paper concludes that there is compelling evidence that windfalls which underpin Option 1 will be a reliable source of supply. Option 1 is currently used in the 5 year housing land supply assessment for the 2023 Housing Monitoring Update, for development monitoring purposes. There is therefore no need to revise this approach for the HMU2023 5 year housing land supply assessment at the 2023 monitoring point.
- 1.10. The paper concludes that there is compelling evidence for windfalls under Options 1, 2 and 8 to provide a reliable source of supply in the future, for plan making purposes. However, this is subject to the council's consideration of the balance between windfalls and allocations in the emerging local plan as part of the plan period housing supply forecast.

## 2. NATIONAL PLANNING POLICY AND GUIDANCE

- 2.1. The National Planning Policy Framework (NPPF) defines windfall sites as *“Sites not specifically identified in the development plan”*.
- 2.2. This means that windfall developments are ‘unidentified’ developments. They are typically sites that are not allocated in an adopted local plan (currently the adopted East Devon Local Plan 2013 to 2031) or ‘made’ neighbourhood plans. They are unexpected in terms of their contribution to housing land supply.
- 2.3. National planning policy strongly supports the development of windfall sites. In seeking to achieve the overarching objective of a sustained increase in housing supply. Government planning policy (NPPF paragraph 69) recognises that small and medium sized sites can make an important contribution to meeting local housing requirements. NPPF promotes the development of a good mix of sites. To encourage their development, NPPF advises amongst other things that LPAs should *“support the development of windfall sites through their policies and decisions” – “giving great weight to the benefits of using suitable sites within existing settlements for homes.”*
- 2.4. By implication, NPPF supports the development of windfall sites at *Chapter 11. Making effective use of land,* which among other things advocates giving substantial weight to the re-use and redevelopment of brownfield sites for housing, including vacant space above shops, the re-use or development of underutilised land and commercial floorspace, and the upward extension of existing residential or commercial buildings (paragraphs 119 and 120). Linked to this, appropriate residential development is encouraged in town centres to support their vitality (paragraph 86).
- 2.5. NPPF does not preclude windfalls on residential gardens but paragraph 71 states that *‘plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area’*.
- 2.6. NPPF paragraph 71 is clear and relevant, as it states that:  
*“Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”*.
- 2.7. A windfall allowance considers the prospect of more sites being approved that are not on allocations in development plan documents (DPDs) and are currently without planning permission. This allowance is separate from and

additional to the known and identifiable windfalls, going forward. It is emphasised that the windfall allowance does not try to predict which specific sites will be developed.

- 2.8. The council's forecast of housing supply can include a windfall allowance but only if there is compelling evidence that windfall sites will provide a reliable source of supply in the future. This means that we must consider which types of windfalls will be a reliable source in East Devon when justifying the 5 year housing land supply calculation for NPPF Paragraph 74 and development management purposes, and for housing supply to 2040 for the emerging local plan.
- 2.9. A windfall allowance is used for two different purposes:
  - a) As part of the calculation for the 5 year housing land supply assessment for NPPF Paragraph 74 and development management purposes. and
  - b) As part of the total housing supply forecast for the plan period in the emerging local plan, and the related 'rolling' 5 year housing land supply forecasts.
- 2.10. NPPF places the burden of proof on the council to provide this compelling evidence if we want to include a windfall allowance forecast supply for the 5 year housing land supply calculations and/or where we include a windfall allowance is part of the forecast supply for the plan period of an emerging local plan. That evidence would be part of the emerging local plan's evidence base.
- 2.11. So, the council can use its evidence from the HELAA as well as the council's housing monitoring which captures data about actual housing completions.
- 2.12. The council needs to use its evidence to show whether windfalls have come forward consistently in the district over a relevant and sufficiently lengthy period. The evidence needs to show what are the clear trends in the scale, direction or rate of change, type, or distribution of windfalls.
- 2.13. The council should also consider whether there are drivers of change that could impact on the future delivery of windfall site types and change those trends. The scale of historic windfalls can be the consequence of not being able to demonstrate a 5 year housing land supply. Or it can be as the result of having fewer allocations available for development as the result of not having a recently adopted, up to date local plan. The emerging Local Plan would change that position, resulting in fewer windfalls coming forward. The type of windfalls may change type if government planning policy and/or legislation changes.
- 2.14. To avoid double counting, it is essential that windfall sites with permission at the latest monitoring point base date (1 April 2023) are not part of the



'adjusted windfall allowance' included in the housing supply forecasts. The allowance is in addition to and separate from windfall completions and commitments. However, this does not preclude using historic windfall completion rates to help justify a future windfall allowance rate.

### 3. WINDFALL ALLOWANCE OPTIONS AND ASSESSMENT

3.1. This section of the paper considers eight options for a windfall allowance for East Devon based on:

- a) Which types and sizes of windfall sites have or have not provided a consistent source of supply and whether that position is or is not likely to change significantly; and
- b) Which options are deliverable, and what are the potential implications for plan making in terms of opportunities, risks, and mitigations.

3.2. Table A below lists eight broad options for justifying a windfall allowance for East Devon, including a No Windfall Allowance, and the key conclusions.

**TABLE A** Windfall Allowance Options

No.	OPTION	KEY CONCLUSION
1	HMU 2023 windfall allowance of 138dws/year (recent delivery rates on windfall sites of 1 to 20 dws, excluding garden land)	Compelling evidence of being a reliable source of supply
2	Non-strategic increase of 39/year in windfall allowance to 177/year by adding Garden Windfall sites (1 to 9 dws) to Option 1.	Compelling evidence of being a reliable source of supply, but potential cumulative impact on local areas' density/character
3	Including Brownfield windfall sites of 21+ dws	No compelling evidence of being a reliable source of supply
4	Including Non garden land greenfield windfall sites of 21+ dws	No compelling evidence of being a reliable source of supply
5	Including Garden land greenfield windfall sites of 10+dws	No compelling evidence of being a reliable source of supply
6	No windfall allowance; and corresponding increase in allocations (1,965 dws)	Compelling evidence of windfall supply for an allowance is not an issue, but undeliverable and/or unnecessary or pointless
7	Strategic decrease in the Option 1 windfall allowance; and Corresponding increase in allocations (1,000 to 1,300 dws)	Compelling evidence of windfalls being a reliable source of supply but undeliverable
8	Non-strategic decrease in windfall allowance in the long term (i.e. Option 1 but 100/year allowance from 2032/33 onwards; increase allocations (300 dws)	Compelling evidence of being a reliable source of supply and potentially deliverable

3.3. Section 3 of this paper considers whether these broad options are consistent with NPPF paragraph 71. That is, whether there is compelling evidence that the allowance from each option, based on the types and sizes of windfalls, will provide a reliable source of supply. The assessments in this section draw

on evidence about the HELAA (formerly the SHLAA), historic windfall delivery rates (see section 4 of this paper) and expected future trends. Options 1 to 8 consider whether diverse types and sizes of windfall sites have or have not provided a consistent source of supply and whether that position is or is not likely to change significantly in the future. They also consider the implications of mitigating the changes from decreased or significantly increased windfall allowance through identifying additional land for allocations to offset the change in windfall allowance.

- 3.4. In identifying potential windfall allowance options the council is mindful that the windfall allowance is currently used in two different contexts. One is the current 5 year housing land supply assessment for the purpose of NPPF paragraph 74 and development management use. Option 1 focuses on this purpose. The other is the preparation and justification of the emerging local plan. Option 1 could be used for that purpose, but Options 2 to 8 could also be considered. In both cases justification of the windfall allowance relies on evidence that needs to be consistent with NPPF and PPGs.
- 3.5. However, the emerging East Devon Local Plan is still in preparation. Relevant matters about the vision, objectives, strategy, and in particular the balance between windfalls and allocations and the ways in which the plan's policies support windfalls to come forward are evolving as the plan progresses towards its Regulation 19 Publication Plan stage. This paper is part of the evidence base to assist plan-making and related decisions.

## **WINDFALL ALLOWANCE - DEVELOPMENT MANAGEMENT PURPOSES**

### **OPTION 1: HMU 2023 Windfall allowance of 138/year (recent delivery rates on windfall sites of 1 to 20 dwellings, excluding garden land)**

- 3.6. Option 1 is the method used to produce the basic windfall allowance that is included as part of the supply forecast for the 5 year housing land supply calculations that are set out in the Housing Monitoring Update 2023. This is used to produce the district's 2023 monitoring point 5 year housing land supply assessment for NPPF paragraph 74 and development management purposes. This allowance is based on recent historic data about completion rates on sites of between gross 1 and gross 20 dwellings for the following windfall types:
- Non-garden greenfield sites (including agricultural/horticultural, scrub/grassland/woodland/copse/parkland); and
  - Brownfield sites (including residential redevelopment, conversions, change of use/redevelopment of other non-greenfield uses).
- 3.7. HMU 2023 Paragraph 3.16 explains that the method used to calculate projected windfall completions is as set out in the Exeter HMA HELAA methodology, available on the council's website at <https://eastdevon.gov.uk/media/3724867/appendix-a-helaa-methodology-may-2021.pdf>

- 3.8. In line with the HELAA method, the 2023 windfall allowance rate in the HMU is based on recent historic delivery rates achieved in the last 5 years i.e. between 1 April 2018 and 31 March 2023 for these two windfall categories. This results in an average allowance rate of 138 dwellings per year at the 2023 monitoring point (see HMU 2023 Table 9 windfall completions analysis). That rate is lower than the previous allowance at the 2022 monitoring point when the rate was 158 dwellings per year.
- 3.9. The method then goes on to temper this basic windfall allowance rate to produce an adjusted windfall forecast for each year which is added into the district forecast housing supply. Paragraphs 3.19 and 3.20 explain how the windfall allowance is calculated each year. It produces an adjusted windfall projection by subtracting the forecast of completions on known windfalls in each year (from HMU data). The adjusted windfall projection is constrained to the basic windfall projection in that year (See HMU 2023 Table 10). Only the adjusted windfall projection for the 5 year period is included in the 5 year supply for NPPF paragraph 74 purposes. This avoids double counting with the forecast completions on 'planning commitments'.
- 3.10. HMU 2023 paragraph 3.20 also explains how the windfall allowance is extended to cover the rest of the adopted local plan's plan period i.e. to 31 March 2031, including adjusting for the remaining residue of commitments.
- 3.11. The council's planning judgement is that there is compelling evidence that the two windfall supply sources included in Option 1 will be a reliable source of windfalls in the future and therefore this justifies the basic rate of 138 dwellings/year. The reasons why these windfall types are expected to continue to be a reliable source in the future are as follows:
- a) The allowance rate is evidence based. That is, it relies on evidence of recent historic rates, summarised in Tables 8 and 9 in Section 4 of this paper, from the regular, comprehensive monitoring of council records of dwelling completions for the last 6 years, categorised consistently by year, gross site size, and windfall type. This provides robust evidence about the recent delivery of completions on these two types of windfall sites which can be used to identify trends.
  - b) There are hundreds of individual sites relating to those historic completions. This is a considerable number, mostly from small sites for 1 to 2 dwellings, with a modest percentage of sites with 3 to 9 dwellings, and sites with 10 to 20 dwellings.
  - c) As well as completions on the hundreds of very small-sized sites, the council considers that the evidence of the recent delivery of 207 completions from 22 sites of 10-20 dwellings is also likely to be continued consistently in the future. This is based on 119 completions on 15 brownfield sites - comprising 5% of all windfalls (Table 12 in this paper)

and 88 dwellings on 9 non-garden greenfield sites of 10-20 dwellings comprising 4% of all windfalls (Table 13 in this paper)).

- d) The average rate of windfall completions is updated each year using the latest data. Averaging the rate from the data available, as set out in the HELAA method, is appropriate because this:
- Reduces the risk of skewing the results compared to relying on a single year, mindful of the challenges over the last few years, and the variation between the years; and
  - Reduces the risk of a single site or type of site skewing the results.
- e) The windfall sites of 20 or less dwellings with recent completions are on land with a wide range of former brownfield and non-garden land uses. They are not dominated by a sole use. For example, unlike some large urban areas elsewhere in England, they are not dominated by conversion or change of use of old industrial land or offices to housing. There is no evidence at this time to demonstrate that the previous wide mix of uses would not continue to be sources of supply in East Devon.
- f) Part of the supply of dwellings on non-major sites comes from subdivision and intensification. There is a continuing need for smaller dwellings, as well as a significant need for housing for older people. Together, this indicates that it is reasonable for the council to anticipate that market demand and affordable housing need will continue to drive a steady supply of windfall sites through subdivision and intensification.
- g) The planning applications related to the recent completions were approved or allowed in the context of contemporaneous national and local planning policy. Government policy continues to focus on boosting housing supply and, in light of that, the local plan needs to be 'positively prepared'. The council notes that:
- At the time of drafting this paper there were no confirmation from Government that they have changed this policy, or that there would be changes to permitted development/prior approvals over the short to medium term (i.e. the next 5 years) that would significantly alter the delivery of these two windfall types on sites of 1 to 20 dwellings.
  - However, we are awaiting the results of the December 2022 consultation on NPPF changes, and further consultation on NPPF has also been signalled.

3.12. Option 1 does not include garden windfall sites in the allowance. NPPF does not preclude this, but the HMU 2023 windfall allowance was mindful of NPPF paragraph 71 where "*Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area*".

- 3.13. HMU 2023 Paragraph 2.38 explains that:  
*“In the absence of evidence at this time to demonstrate that reliance on windfalls on garden land would not have an adverse impact on the character of built up areas, the council avoids this risk by not including past housing development on residential gardens in the windfall supply calculation.”*
- 3.14. Consequently, Option 1 does not include garden windfalls in the windfall allowance. The Option 1 approach is prudent for the purposes of justifying a windfall allowance in the supply calculations for the 5 year housing land supply for NPPF paragraph 74 and development management purposes. It avoids prejudging changes to policy in the emerging local plan and it avoids the risk of unintended ‘messaging’ that the policy is more relaxed about windfalls on garden land, though without evidence of the consequences. In particular, the impact of garden land on neighbours, and/or the impact on density and the character of residential areas.
- 3.15. The base windfall allowance rate under Option 1 is 138 dwellings/year. Over the 5 year period for the 2023 5YLS, this would equate to 690 dwellings. Deducting 254 windfall dwellings already committed and forecast to be completed to 31 March 2028 (to avoid double counting), leaves an adjusted windfall allowance of net 436 dwellings for future additional windfalls in the 5 year period under Option 1 (see HMU 2023 Table 15).
- 3.16. OPTION 1 is necessary to provide a windfall allowance for use for NPPF Paragraph 74 and Development Management Purposes. Option 1 does not need to be informed by other considerations relevant to the balance of windfalls and allocations which need to be considered for the preparation of the emerging local plan.
- 3.17. The council is of the view that the evidence for Option 1 is also evidence there will be a reliable supply from windfall development coming forward after the 5 years from the 2023 monitoring point (appropriately adjusted to avoid overlap with the modest residue of commitments on windfall sites not already discounted from the forecast).
- 3.18. CONCLUSION There is compelling evidence from historic trends to demonstrate that non garden land windfall sites and brownfield sites of 1 to 20 dwellings would be a reliable source of housing supply in the future in East Devon. This is the basis for OPTION 1, for the 2023 base 5 Year Land Supply Assessment for NPPF paragraph 74 and development management purposes. OPTION 1 reflects recent windfall completion rates for those types which resulted from planning applications approved in the context of the existing development Plan.

### **WINDFALL ALLOWANCE - PLAN MAKING**

- 3.19. The council can consider using the OPTION 1 allowance to inform its plan-making, as part of the total forecast supply for the plan period 2020 to 2040

for the emerging East Devon Local Plan. If we apply the rate of 138/year over the 17 years between the 2023 and 2040 monitoring points, this equates to 2,346 dwellings. To avoid double counting with commitments we discount 381 dwellings on windfalls sites in the two categories which had planning permission and are forecast to be completed after the 2023 monitoring point. So, the adjusted windfall allowance to 31 March 2040 is 1,965 dwellings.

- 3.20. At 1,965, dwellings, the scale of the net windfall allowance to 2040 under Option 1 is substantial. It represents about 10% of the housing requirement (assuming a requirement based on local housing need of 910/year plus 10% headroom). This certainly provides ample opportunity for supply flexibility across the plan period for currently unidentified speculative sites to come forward through the development management process.
- 3.21. The scale of the windfall allowance in the supply evidence at the time of the Regulation 18 Draft Consultation Local Plan was higher, at 2,335 dwellings. See the EDDC Interim housing Topic Paper November 2022 on the council's website at <https://eastdevon.gov.uk/media/3724865/http-east-devon-housing-need-supply-requirement-interim-topic-paper.pdf> That allowance was based on the previous 2022 monitoring point. There were objections to that scale of windfall allowance, based on concerns that the draft plan was not 'sound', because:
- It relied too heavily on unidentified windfalls, so was not positively prepared. Some respondents wanted development to be more planned i.e. by allocations; and not leave so much to developers/landowners to take the lead in bringing forward unplanned, ad hoc proposals; and
  - It precluded additional site allocations which reduced the certainty or likelihood that the plan is effective in delivering:
    - housing development
    - affordable housing development
    - housing development on identified small and medium sized sites.
- 3.22. The 2023 windfall allowance rate is lower, but it is still a substantial number. Mindful of objections to date, it is likely that a rate of 138/year for 17 years will be challenged on similar grounds in terms of the tests of soundness.

#### Comparisons to windfall allowances in other areas

- 3.23. We can compare our windfall allowance rates to those included in housing supply forecasts in other local plans. For example, at 1,965, the allowance is broadly similar in scale to the allowance in the latest Teignbridge Local Plan Addendum (2,160). Exeter City have yet to publish their windfall figure for local plan-making purposes.

3.24. Table B below shows examples of windfall allowance rates. It illustrates the range of recent windfall allowances in local plans and 5YLS assessments. But the list is not intended to be fully representative of the ranges and we should be cautious in drawing comparisons because:

- Local plans vary greatly in the amount of windfall allowance which is included in the housing supply forecast evidence. In part this is because of differences in the size of the district and the overall housing requirement. In part it is due to location and the types of sites available for allocation, and therefore the need for windfall delivery. London boroughs seem to have particularly high windfall allowances, but their circumstances are vastly different to those of East Devon.
- Rates have risen since the change to NPPF removed the restriction on including garden land. Also as LPAs have tried to identify sufficient supply to meet housing need calculated by the standard method.

**TABLE B** Comparison of Windfall Allowance rates in other areas

Islington LB – 484/year on small sites plus 62/year on large sites
Bexley LB - 305/year
Tonbridge and Malling had 2 rates (184/year to 2034/35 including 114 on large sites), then 298/year including 228 on large sites to 2040
St Albans 290/year (small and large sites)
South Worcestershire (3 districts) 150/year for 7 years, then reduced to 100/year (non-major sites only)
Winchester 115/year (small sites and some large sites)
Crawley – 100/year
Fareham - about 94/year (for small and large sites)
Havant - about 99/year
Hinkley and Bosworth - 87/year
Blackburn – 70/year
South Hams 72/year for years 4 and 5 of their 5YLS (non-major sites only)
West Devon 32/year for years 4 and 5 of their 5YLS (non-major sites only)
Maldon has a very conservative windfall allowance in its LDP based on historic windfall completion rate of 20/year (but they expect windfall delivery in the foreseeable future to far exceed this figure)

3.25. For plan-making, the council also should consider two further factors that are relevant when justifying the scale of the windfall allowance. They are the windfall allowance as a share of the forecast housing supply to 2040, and the resultant balance between windfalls and allocations in the emerging local plan. They have implications for plan making in terms of:

- Delivering the plan’s vision, objectives, and strategy.
- The extent to which future housing development is ‘plan-led’,



- The degree of flexibility in housing supply; and
  - Whether the allowance directly or indirectly helps or hinders the plan in achieving the target of 10% of housing supply being on small and medium sized sites (1 hectare or less) in accordance with NPPF.
- 3.26. NPPF paragraph 15 states that “*The planning system should be genuinely plan-led.*” Evidence about windfalls is part of the wider picture about forecast housing supply for the plan period which we use to demonstrate whether the policy on housing requirement in the emerging East Devon local plan is deliverable and consistent with NPPF, and whether the policy is ‘sound’.
- 3.27. The balance between windfalls and local plan allocations is fundamental to the ability of the local plan’s policies to support the achievement of the plan’s vision, objectives, and strategy.
1. **Allocations** clearly provide a plan-led approach towards development for increasing housing supply and meeting housing need. They provide greater certainty because the sites are identified and can be evaluated for soundness and sustainability. Allocations are also a sign that the plan is ‘positively prepared’ by the LPA as part of a strategy seeking to meet the district’s objectively assessed housing needs, where the council has been responsible for identifying the scale, type, and location of housing growth.
  2. **Windfalls** depend on developers, house builders and landowners to identify and bring forward ‘unplanned’ and sometimes speculative, ad hoc development. This adds to planned supply. It would not be realistic for the council to try to predict which specific windfall sites would come forward, particularly because of the number of small sites involved (mostly for one or two dwellings) and because most windfall sites that come forward in the future are currently unknown. Windfalls provide flexibility and choice, and they occur in the context of the circumstances at the time.
- 3.28. The council’s role is to determine the balance between windfalls and allocations in the preparation of the housing requirement policy and housing supply policies.
- 3.29. Options 2 to 7 below consider alternatives to Option 1, through:
- The potential to increase or decrease the windfall allowance either by adding other types and sizes of windfalls, or
  - to make a policy decision to reduce the reliance on windfalls and instead to allocate more sites for housing in the emerging local plan.
- 3.30. The choice of which option to include in the forecast supply depends on Members’ views on the extent to which future development should be planned and whether by including or excluding types and sizes of windfalls in the

allowance and by making compensatory allocations there is a risk that the plan may be found not sound.

## **A. INCREASING THE ALLOWANCE**

### **OPTION 2 Non-strategic increase - adding garden land windfalls (1 to 9 dwellings)**

- 3.31. Option 1 does not include garden windfall sites of any size as part of the windfall allowance. They were omitted in the 2023 HMU supply forecast in order not to prejudge decisions on the emerging local plan. However, including garden windfalls is a potential option that could realistically increase the windfall allowance in East Devon for plan making purposes and in the long term for future development management purposes.
- 3.32. NPPF 2023 no longer precludes windfalls on residential garden land from being taken into account when justifying the windfall allowance. These are sites within the curtilage of the existing residential property or properties but excluding the dwelling itself (so does not include intensification for example by conversion/subdivision). The development would be new dwellings in existing residential plots or through the net increase from the redevelopment of dwelling(s) to provide new or further residential accommodation on a notably larger footprint than the previous building.
- 3.33. Private garden land was not actively surveyed for development potential as part of the Council's HELAA November 2022. This is due to the difficulties in assembling garden land and the certainty of deliverability/developability of sites. In many cases, it would also fall below the study threshold (less than 0.15 Ha or less than 5 dwellings). As such, it was not practicable to identify the exact locations of very small sites for the purposes of the HELAA and/or for allocation through the emerging Local Plan.
- 3.34. It is therefore more suitable for inclusion as unidentified windfall development. The issues relating to major and non-major garden windfalls are considered as follows.

#### **a) Non-major garden greenfield windfall sites (1 to 9 dwellings)**

- 3.35. Option 2 is an opportunity to consider the implications of departing from the HELAA method. That is, by including garden land as a source of supply in calculating the windfall allowance for the purposes of the emerging local plan. Adding garden windfalls will increase the windfall allowance rate.
- 3.36. Evidence in Tables 8 and 9 in this paper demonstrates that windfalls have been consistently delivered on garden land in recent years on non-major sites (i.e. sites of 1 to 9 dwellings). The HMU records that a total of 189 dwellings completed over the last 5 years, the average rate was 38 completions per year. Tables 8 and 9 shows that over the last 6 years, there

were a total of 231 completions, with an average rate of 39/year. It is noted that the number fell to 21 completions in the last monitoring year 2022/23.

3.37. The planning approval of those 231 dwellings was in the context of contemporaneous national and local planning policies. For example, windfall development within the Built up Area Boundaries can be appropriate, in accordance with relevant policies. In the absence of a meaningful change in planning policy, there is no evidence at this time to conclude that windfalls on garden land for sites of 1 to 9 dwellings would not continue to be delivered at a broadly similar rate for the next 5 years.

3.38. The main advantages and disadvantages of Option 2 are as follows:

Advantages:

1. Option 2 only requires a continuation of planning policy, not a change to policy regarding windfall development.
2. It increases the windfall allowance in East Devon by 39 dwellings/year for the 5 year supply, i.e. a total 195 dwellings. This increases the 5YLS position at 31 March 2023 by about 0.2 years to 4.48 years supply. However, this is still below the 5 year supply required, and is likely to be regarded by planning Inspectors as a 'significant' shortfall.
3. If the 39/year rate is applied across the remaining 17 years of the plan period for the emerging local plan, it would increase the windfall allowance rate to 177/year and increase the allowance total by 663 dwellings. But to avoid double counting we would discount 115 dwellings on garden land windfall sites with planning permission yet to be completed at the 2023 monitoring point. The net addition of 548 dwellings would:
  - a) Add 548 dwellings to forecast supply for the plan period to count towards meeting the housing requirement and a degree of supply headroom.
  - b) It would therefore increase the total district windfall allowance in the plan period to 2,513 dwellings; and
  - c) It would also offset the loss of 340 dwellings due to the reduction of 20 dwellings per year in the HMU windfall allowance due to the change in the rate from 158/year in 2022 down to 138/year in 2023.

Disadvantages

1. 2,513 dwellings equate to nearly 12.5% of the housing requirement (assuming 910 per year need plus 10% headroom). We can reasonably expect objections, similar to those received at the last local plan consultation which had an allowance rate of 158/year rate.

2. Including garden land within the method may have the unintended consequence of 'messaging' that the council is more relaxed about windfalls on garden land.
3. Evidence would be needed about the cumulative impact of continued or increased garden land windfall development on neighbours, and/or the impact on density and the character of residential areas.
4. The approach departs from the previously agreed approach in the HELAA methodology that we jointly published with the councils for Exeter City, Mid Devon. and Teignbridge. We may be at greater risk of challenge to the methodology.

**b) Major garden greenfield windfall sites (10 to 20 dwellings)**

- 3.39. Option 1 does not include garden windfall sites of 10 to 20 dwellings. It is not included in Option 2 because there is no trend of delivering this type of windfall and it is not expected to be a future source (see also Option 5).
- 3.40. CONCLUSION: There is compelling evidence at this time based on historic trends that completions on garden windfall sites of 1 to 9 dwellings have been a consistent source of supply in recent years and will be a reliable source of windfall supply in the future, at a basic rate of 39/year. Including garden windfalls in the windfall allowance is a relatively modest addition to potential supply for the plan period. As an addition to supply, there would be no need to identify additional allocations to compensate for a loss of potential supply in the plan period. Subject to consideration about the impact of garden windfalls on the character of areas, and the implications of emerging local plan policies such as settlement boundaries, the evidence supports the inclusion of garden windfall sites of 10-20 dwellings in the windfall allowance for East Devon.

**OPTION 3 Including brownfield windfall sites of 21 or more dwellings**

- 3.41. Option 1 does not include brownfield windfall sites of 21 or more dwellings. Tables 8 and 9 in Section 4 of Appendix A shows that this type of windfall site has contributed 247 dwellings comprising 11% of all windfalls in recent years, and the percentage rose from 3% in 2017/18 to 18% in 2022/23.
- 3.42. However, the 247 completions were only on seven sites (see Table 11 in section 4 of Appendix A) which the council considers is too few to conclude that they could be used to produce a reliable prediction that completions and sites would come forward consistently in the future at a similar rate. Furthermore, readers may consider that some sites in Table 11 have an 'inflated' number of completions on brownfield land. For example, three of these sites were former care homes, so the loss of dwelling equivalents should be offset against the gross completions, and the sites at Pankhurst

Close Trading Estate, Exmouth and Amberside Square, Axminster are a mix of brownfield and greenfield.

- 3.43. The November 2022 East Devon HELAA identifies only 3 brownfield windfall sites<sup>1</sup> that were submitted through the call for sites for housing for 21 or more dwellings and were assessed by the HELAA as Available, Suitable and Achievable, that have not been withdrawn or have received planning permission since submission or proposed as an allocation:
- GH/ED/58 Hill Pond Caravan and Camping Site, Clyst St Mary – capacity 48 dwgs (aerial photograph shows about half of the site comprises road and hard standings for the caravan park, the remainder is grassland for camping).
  - Rock\_11 Land adjoining The Grange, London Road, Rockbeare, EX25 2FP - capacity 45 dwellings (this site is a mix of hardstanding and vegetated land)
  - Sidm\_22 Alexandria Industrial Estate, Alexandria Road, Sidmouth, EX10 9HG – capacity 36 dwellings
- 3.44. It should be noted that HELAA Site Axmi\_07 Axminster Carpets Factory Site, Woodmead Road, Axminster, EX13 5PG, capacity 34 dwellings, is in this windfall category but was identified as a preferred site for housing allocation in the Regulation 18 consultation draft Local plan so would not count towards potential windfalls.
- 3.45. The council considers that these 3 sites are too few to conclude that they would produce a reliable prediction that completions and sites of this size and type would come forward consistently in the future.
- 3.46. CONCLUSION: There is no compelling evidence at this time based on either historic trends or HELAA evidence that completions on brownfield sites of 21 or more dwellings will be a reliable source of windfall supply in the future. Therefore, the evidence supports the omission of brownfield sites of 21 or more dwellings from the windfall allowance for East Devon.

#### **OPTION 4 Including Non garden land greenfield windfall sites of 21 or more dwellings**

- 3.47. Option 1 does not include Non garden land windfall sites of 21 or more dwellings. Tables 8 and 9 in Section 4 of Appendix A show that this type of windfall site has contributed 39% of all windfalls in recent years, the highest of all the windfall type/size categories. the rate increased from 37% in 2017/18 to 41% in 2022/23 but varied between 31% (in 2018/19) to 46% (in 2019/20, The 887 completions were on twelve sites (see Table 10 in section 4 of Appendix A), much of which is on agricultural land.

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<sup>1</sup> This excludes sites that were predominantly greenfield with a lesser part being brownfield land)

- 3.48. However 743 of those 887 completions (i.e. 84% of recent delivery from this category) were on eight sites which were approved when the council could not demonstrate a 5 year housing land supply. It would not be prudent to base a future windfall forecast for the category on an expectation of similar circumstances occurring in the future. Not least because it might be perceived as the council signalling a relaxation of policy to allow such large, speculative housing development in the countryside. The remaining 4 sites are too few for the council to conclude that they could be used to produce a reliable prediction that completions and sites of this size and type would come forward consistently in the future at a similar rate.
- 3.49. The November 2022 East Devon HELAA identifies about 170 Non garden land greenfield windfall sites<sup>2</sup> that were submitted through the call for sites for housing for 21 or more dwellings and were assessed by the HELAA as Available, Suitable and Achievable, that have not been withdrawn or have received planning permission since submission. However, some are identified as preferred or second choice sites for allocation for housing in the Regulation 18 draft local plan.
- 3.50. The main issue about this potential source of windfall supply is that most of the HELAA sites in this category are outside settlement boundaries where more restrictive planning policy would constrain housing development. It would not be prudent to base a future windfall forecast for the category on an expectation of large windfalls occurring in the future. Not least because communities and developers might perceive this as the council signalling a relaxation of policy to allow such large, speculative housing development in the countryside.
- 3.51. The council acknowledges that there may be rural exception sites and first home exceptions sites adjoining settlement boundaries but most, if not all, would be below the 21+ dwellings in this category. Also, by definition, exception sites are not identified as allocations in the local plan, and come forward on an ad hoc, unplanned basis.
- 3.52. CONCLUSION: There is no compelling evidence at this time based on either historic trends or HELAA evidence that completions on Non garden land greenfield sites of 21 or more dwellings will be a reliable source of windfall supply in the future. Therefore, the evidence supports the omission of Non garden land greenfield sites of 21 or more dwellings from the windfall allowance for East Devon.

### **OPTION 5 Including garden land greenfield sites of 10 or more dwellings**

- 3.53. The evidence in Appendix A Tables 8 and 9 shows that in recent years garden windfalls in East Devon have only occurred on sites of 1 to 9

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<sup>2</sup> This excludes sites that were predominantly brownfield with a lesser part being non garden greenfield land)

dwellings. There have been no completions in recent years on garden windfall sites of 10 or more dwellings. This is not surprising given that few gardens would be capable of accommodating development of this scale without the risk of adverse impacts on neighbours and on the local character of the area.

3.54. The November 2022 East Devon HELAA identifies 2 sites on garden land that were submitted through the calls for sites, which were proposed for and capable of accommodating 10 or more dwellings and were assessed by the HELAA as Available suitable and achievable. These were:

- **Cran-06** Bluehayes Farm, Bluehayes, Exeter, EX5 3BA proposal to convert existing house to 4 flats and then build up to 12 units in the garden. This site is within the Cranbrook DPD area and the emerging East Devon local plan is not proposing to allocate sites within the Cranbrook DPD area.
- **Whim\_20** Orchard Lea, Church Road, Exeter, EX5 2TF Proposal for 10 dwellings in rear garden.

3.55. For the avoidance of doubt, the council's monitoring database classifies 'parkland' as non garden greenfield. Some parkland-related sites associated with historic parks and gardens have been put forward through the HELAA call for sites process (and not withdrawn). However, the Council does not classify this as garden land, such as the following sites:

- **Exmo-47** Hulham Rd Exmouth –Proposal for 20 dwellings. Assessed as Available, Achievable but Not suitable. It is agricultural land within a Grade II listed Park and Garden.
- **Polt\_07** Land at West Clyst, Poltimore, Exeter, EX4 0BB. Proposal for up to 200 dwellings. Assessed as Available, Achievable but Not suitable. The land to the north of the site comprises parkland associated with the Grade II\* Listed Poltimore House, whilst site Polt\_07 (which is currently agricultural land) forms a more recent 19th century expansion to the parkland.

3.56. **CONCLUSION:** There is no compelling evidence at this time based on either historic trends or HELAA evidence that garden land sites of 10 or more dwellings will be a reliable source of windfall supply in the future. Therefore, the evidence supports the omission of garden land for sites of 10 or more dwellings from the windfall allowance for East Devon.

## **B. DECREASING THE ALLOWANCE**

3.57. The council can consider whether the emerging local plan should provide more certainty through a strategic decision to allocate more land for housing and correspondingly reduce the windfall allowance. This would be consistent

with a plan-led approach and strengthen the plan in being 'positively prepared'. It would also be an opportunity for the council to evidence how the emerging local plan is effective, consistent with NPPF and justified. Options 6, 7 and 8 below look at three potential options to decrease the windfall allowance.

### **OPTION 6 No windfall allowance**

- 3.58. The council considers that there is compelling evidence that Option 1 is a reliable source of windfalls sites in the future. Omitting a windfall allowance based on Option 1 is not necessary as that option has met the tests in NPPF paragraph 71.
- 3.59. NPPF does not require the council to include a windfall allowance in its housing supply forecast. It would mean that all the development to 2040 not yet permitted would be provided through allocations. This would provide greater certainty about the location and deliverability of future development.
- 3.60. However, having no windfall allowance is a potential option for plan-making in some circumstances. It would be logical not to have an allowance if the amount of forecast housing supply already identified from completions, commitments and allocations is sufficient to meet the plan's housing requirement and provide an appropriate degree of supply 'headroom'. This is not the case in East Devon. Currently the forecast supply for the plan period for the Regulation 18 draft local plan depends on a significant scale of windfall allowance to meet the housing requirement plus a degree of headroom.
- 3.61. Furthermore, there are other significant risks with Option 6 that could result in the plan being found not sound and/or failing a legal test, for the following reasons:
1. Option 6 would mean excluding the windfall allowance from the housing supply to count against the policy requirement. This would mean a reduction in supply of 1965 dwellings. Without additional allocations the evidenced forecast supply would be significantly less than a housing requirement of 910 dwellings /year for 20 years. We would then appear to have unmet housing need. This would require the council to evidence that it has met the legal requirements relating to duty to cooperate and that this has been effective is securing the means for unmet need to be met elsewhere. If we cannot show how the need is to be met then there is a risk of not passing the legal test, or at the very least not meeting the test of soundness about an effective local plan.
  2. Identifying more allocations for nearly 2,000 additional dwellings would be particularly challenging.
  3. However, if the council could identify sufficient sites to allocate in the emerging local plan for an additional 1,965 dwellings (the Option 1



windfall allowance) there is a potential risk of significant oversupply in the plan period mindful of the conclusion about Option 1 being a reliable source of windfalls. The risk is that the scale of oversupply would be likely to undermine achieving the emerging plan's visions, objectives, and strategy.

4. It is highly likely that omitting the windfall allowance from the housing supply forecast would result in significant objections being received through the plan-making process from:
  - landowners/developers whose sites are not allocated
  - local communities who may well consider that the plan is over allocating if we have compelling evidence that the windfalls would be a reliable source of supply in the future.
5. It is highly likely that the Examination Inspector will have particularly robust questions for the council about how the plan period forecast housing supply provides sufficient supply, choice, and flexibility.
6. Under Option 1 it is realistic to expect that many future windfalls would be on small and very small sites. Unless a substantial share of the additional allocations were on small and medium sized sites, there is a risk that the plan would not achieve the Government's policy target of 10% of housing development on small and medium sized sites. This could also reduce supply flexibility and choice.

- 3.62. **CONCLUSION:** Mindful of the compelling evidence for Option 1, OPTION 6 appears to be unnecessary. At the same time it runs a potentially significant risk of the plan being found not sound and/or failing a legal test because the 'demonstrated' supply is technically an undersupply if additional allocations do not compensate for the 'loss' from having no allowance or is an actual 'oversupply' because there is compelling evidence about windfalls providing a reliable source. Therefore, the evidence does not support having no windfall allowance for East Devon.

### **OPTION 7 Strategic decrease in the windfall allowance, and corresponding increase in allocations**

- 3.63. The council could consider an option to allocate more sites for housing in the emerging local plan, with a corresponding strategic reduction in the windfall allowance for the plan period. This would be consistent with a plan-led approach and strengthen the plan in being 'positively prepared'. It would also be an opportunity to evidence how the plan is effective, consistent with NPPF and justified.
- 3.64. The scale of the reduction depends on the council's ability to identify additional sites. Otherwise, it runs the risk of unmet housing need and the

legal and soundness tests relating to duty to cooperate, similar to the issues under Option 6. The percentage decrease may be seen as arbitrary.

- 3.65. Reducing the allowance for example down by 33% to 50% over the 17 years to 2040 would significantly reduce the forecast supply from windfalls from 1,965 down to between 980 and 1310. However, this would mean:
- a) Identifying more sites to allocate in the emerging local plan for an additional 655 to 983 dwellings, a sizeable proportion of which would need to be on small and medium sized sites.
  - b) Demonstrating that the forecast housing supply for the plan period provides sufficient choice and flexibility.
  - c) Anticipating objections to the allowance from:
    - landowners/developers whose sites are not allocated; and
    - local communities who may well consider that the plan is over allocating if we have compelling evidence that OPTION 1 windfalls would be a reliable source of supply in the future.
- 3.66. Identify allocations for another 650 to 1,000 dwellings is likely to be challenging. The risks of technical undersupply, and at the same time actual over delivery are like the issues in Option 6.
- 3.67. CONCLUSION: There is compelling evidence at this time based on historic trends that Option 1 will be a reliable source of windfall supply at 138/year. However, substantial reductions in the windfall allowance has potentially significant risks of the plan being found not sound and/or failing a legal test because the 'demonstrated' supply is technically an undersupply if additional allocations do not compensate for the 'loss' from having no allowance or is an actual 'oversupply' because there is compelling evidence about windfalls providing a reliable source. Therefore, the evidence does not support a strategic reduction in the windfall allowance for East Devon.

**OPTION 8 Non-strategic decrease in windfall allowance relating to windfall sites of 1 to 20 dwellings, and corresponding increase in allocations**

- 3.68. The council could consider an option for a smaller, non-strategic reduction in the windfall allowance in the long term. As local plan allocations already being considered in the Regulation 18 plan provide more development opportunities and do more of the 'heavy lifting' in providing for development, this could reduce the incidence of windfall development to meet housing demand.
- 3.69. Any reduction in the two windfall categories included in Option 1, if it does occur, would likely be towards the end of the plan period for the following reasons:

- A few sites on the emerging local plan allocations have already been the subject of submitted planning applications, and if approved could deliver early.
- However, development on most allocated sites will not occur in the short to medium term due to the need to complete the local plan process AND for the rest of the lead in time- i.e. for development management and legal processes; to commence development, site works and to complete dwelling construction.

- 3.70. So, mindful of NPPF and PPG, it would be prudent to forecast first completions after 5 years from plan adoption for most of the emerging local plan allocations. Assuming that the latest adoption date is December 2026, and allowing for site 'gearing-up', this means that significant numbers of completions on local plan allocations would not occur until about 2032/33. Therefore, any reduction in windfall delivery would probably only be in the last 8 years of the emerging plan i.e. 2032/33 to 2039/40.
- 3.71. With 138/year for 9 years (i.e. 1,242) plus 100/year for 8 years (i.e. 1,000) and subtracting the overlap of 281 dwellings would result in a net windfall allowance for the plan period of 1,661 dwellings. This is a reduction of about 300 dwellings compared to Option 1.
- 3.72. Only 300 additional dwellings would need to be identified as allocations to compensate for this loss of forecast supply. The council would still need to show that there is still sufficient supply flexibility and choice across the district, and we can still expect objections. But this option is less challenging than Options 6 and 7.
- 3.73. **CONCLUSION** There is compelling evidence at this time based on historic trends evidence that Option 1 will be a reliable source of windfall supply at 138/year in the future. A non-strategic reduction in the East Devon windfall allowance from 2032/33 down to 100/year could be offset by a modest increase in identified and deliverable allocations for housing in the plan period. Therefore Option 8 could be used for the windfall allowance for the emerging local plan.

#### **4. EVIDENCE OF RECENT COMPLETIONS ON WINDFALL SITES**

- 4.1. This section provides evidence about net dwelling completions (excluding dwelling equivalents from care homes development) on windfall sites in East Devon in monitoring years from 1 April 2017 to 31 March 2023. It is in 4 parts:
- A) All windfalls
  - B) Brownfield and non-garden land windfall on sites of 20 or less dwellings
  - C) Garden land windfalls
  - D) Windfalls on sites of 21 or more dwellings.
- 4.2. The council's housing monitoring database contains robust information about windfall completions by windfall type and by site size (gross number of dwellings) for the period between 1 April 2017 to 31 March 2023. This provides 6 years of reliable and comprehensive completions data which can be analysed. Data pre-dating 1<sup>st</sup> April 2017 about site type is not as complete and may have anomalies, so is not included in the evidence in this paper and is not relied on to reach conclusions about windfall trends.
- 4.3. The data drawn from the database is set out in the following tables. Additional information about specific sites with planning approval comes from related application documents, committee reports and appeal decisions.
- 4.4. The windfalls data will be updated each monitoring year going forward when the completions data is available, and will inform future Housing Monitoring Updates, 5 year housing land supply assessments and plan-making.

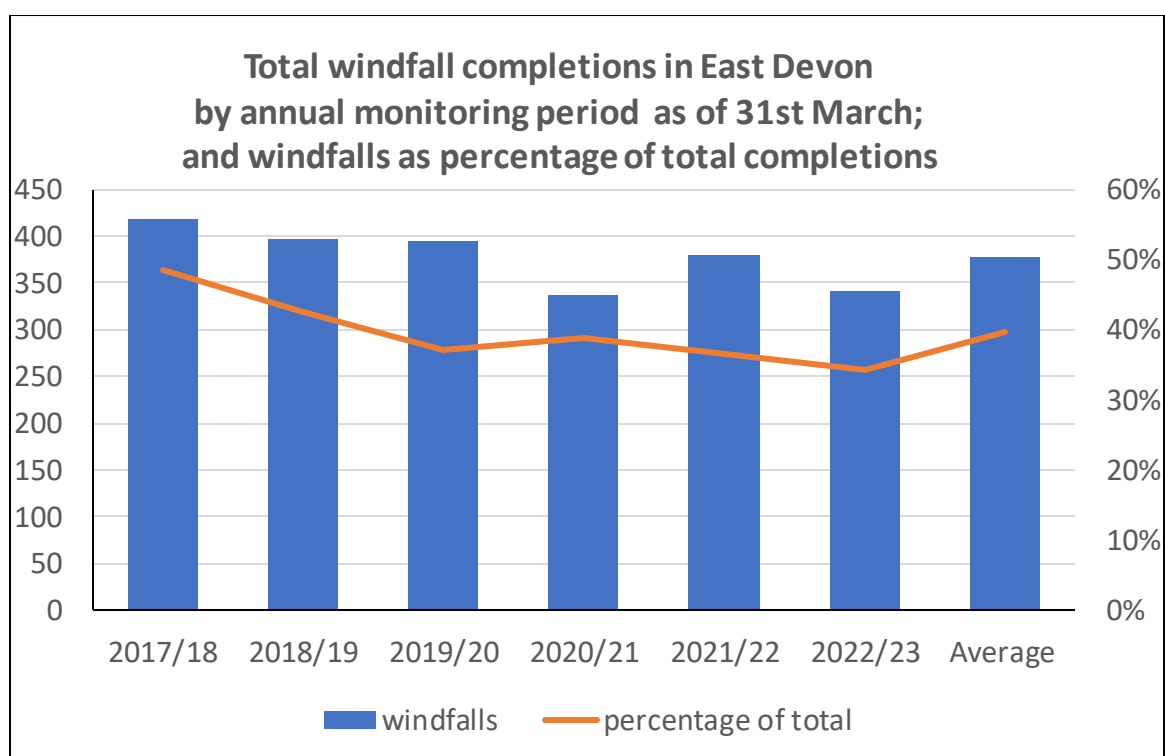
## A - All windfalls in East Devon

TABLE 1 All windfall and non-windfall completions 2017/18 to 2022/23

	Net TOTAL completions	Windfalls	Non windfalls	Windfalls as percentage of TOTAL
<b>2017/18</b>	866	419	447	48%
<b>2018/19</b>	929	396	533	43%
<b>2019/20</b>	1065	395	670	37%
<b>2020/21</b>	867	336	531	39%
<b>2021/22</b>	1039	380	659	37%
<b>2022/23</b>	998	341	657	34%
<b>TOTAL</b>	5,764	2,267	3,497	
<b>Average</b>	961	378	583	39%

Source: 2023 HMU and EDDC monitoring database

GRAPH 1 All windfall completions 2017/18 to 2022/23 by monitoring year, and as percentage of all completions



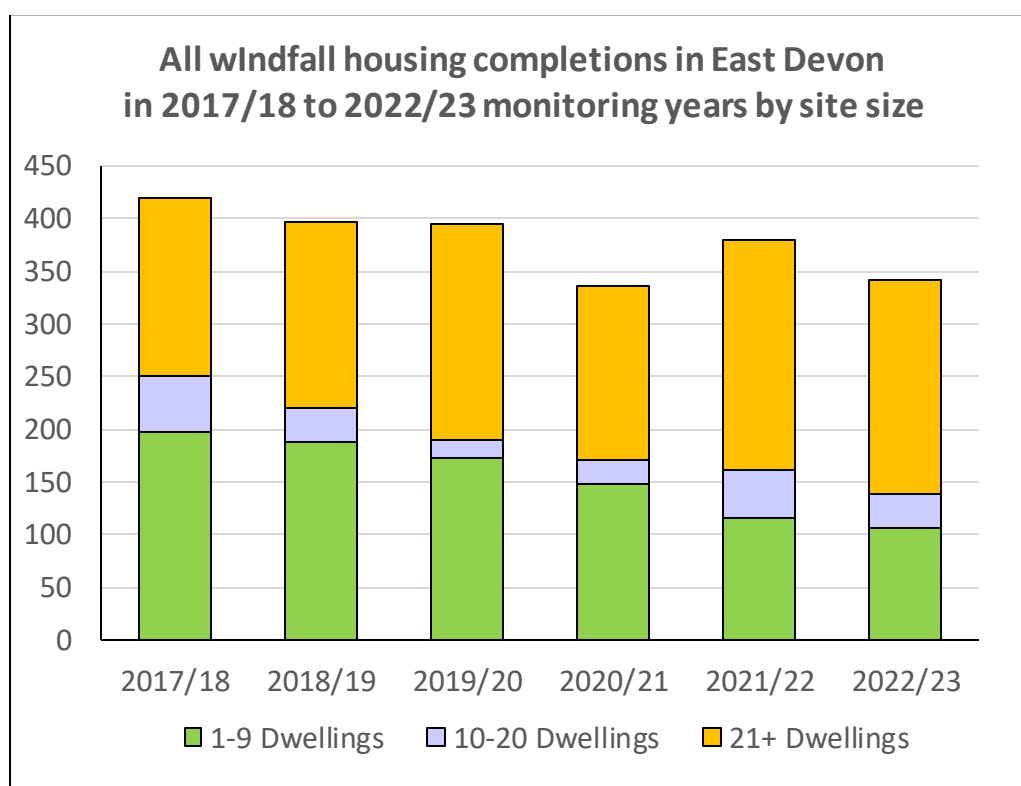
Source Table 1

TABLE 2 All windfalls 2017/18 to 2022/23 by site size

Year	1-9 Dwellings	10-20 Dwellings	21+ Dwellings	TOTAL
<b>2017/18</b>	197	54	168	<b>419</b>
<b>2018/19</b>	187	34	175	<b>396</b>
<b>2019/20</b>	172	18	205	<b>395</b>
<b>2020/21</b>	148	22	166	<b>336</b>
<b>2021/22</b>	115	47	218	<b>380</b>
<b>2022/23</b>	107	32	202	<b>341</b>
<b>TOTAL</b>	926	207	1134	<b>2267</b>

Source: 2023 HMU and EDDC monitoring database

GRAPH 2 All windfalls completions 2017/18 to 2022/23 by site size



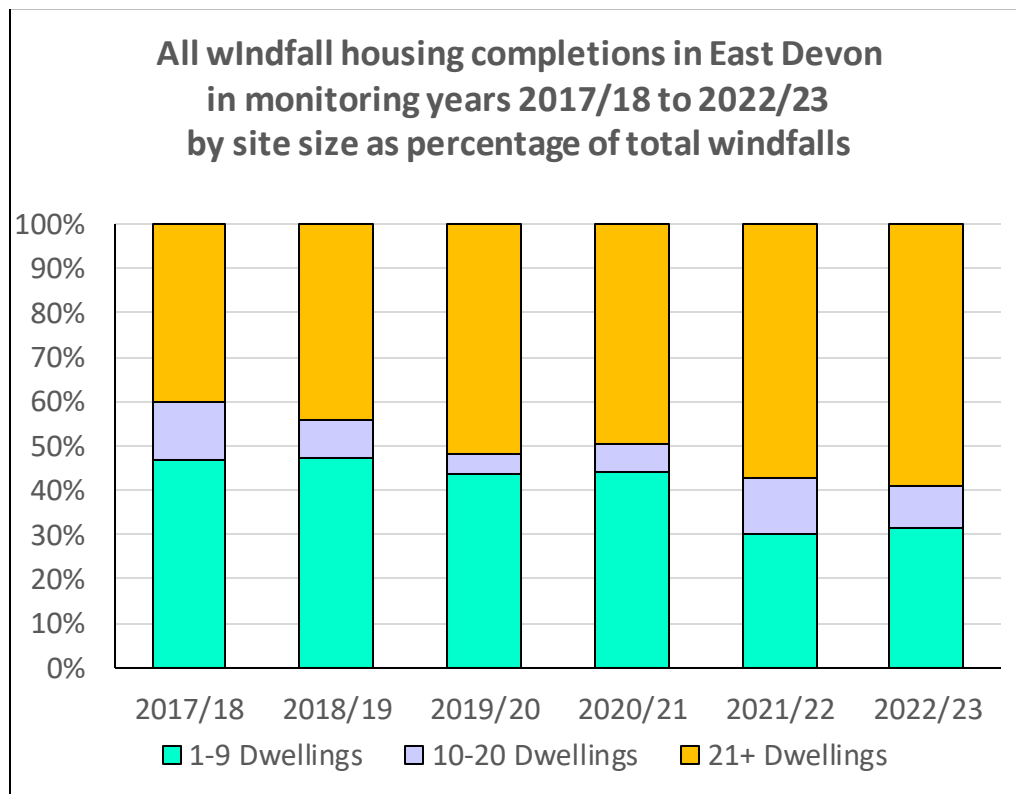
Source: Table 2

TABLE 3 All windfall completions 2017/18 to 2022/23 by site size as percentage of total

Year	1-9 Dwellings	10-20 Dwellings	21+ Dwellings	TOTAL
2017/18	47	13	40	100
2018/19	47	9	44	100
2019/20	44	5	52	100
2020/21	44	7	49	100
2021/22	30	12	57	100
2022/23	31	9	59	100
<b>TOTAL</b>	41	9	50	<b>100</b>

Source: 2023 HMU and EDDC monitoring database

GRAPH 3 All windfall completions 2017/18 to 2022/23 by site size as percentage of total windfalls



Source: Table 3

## Analysis

- 4.5. Annual total net completions on all windfall sites decreased by 19% from 419 in 2017/18 to 341 in 2022/23, with a low of 336 in 2020/21, but this masks changes over time and by site size, as follows:
- Annual total net completions on non-major windfall sites (sites of 1 to 9 dwellings) decreased by 46% from 197 in 2017/18 to 107 in 2022/23.
  - Annual total net completions on major windfall sites of 10 to 20 dwellings decreased by 41% from 54 in 2017/18 to 32 in 2022/23. The fall between 2017/18 and 2019/20 was even greater (66%), but delivery has improved since then.
  - Annual total net completions on major windfall sites of 21 or more dwellings increased by 20% from 168 in 2017/18 to 202 in 2022/23
- 4.6. Across the period 2017/18 to 2022/23, windfalls are split 59:41 between major and non-major sites, but this masks changes over time and site size as follows:
- Non-major windfalls accounted for 41% of all windfalls. They declined from 47% in 2017/18 down to 31% of all windfalls in 2022/23.
  - Major windfalls of 10 to 20 dwellings accounted for only 9% of all windfalls. They declined from 13% in 2017/18 to 9% of all windfalls in 2022/23. However, the fall between 2017/18 and 2019/20 was even greater (down to 5% of all windfalls) but has improved since then.
  - Major windfalls of 21 or more dwellings accounted for 50% of all windfalls. They rose from 40% in 2017/18 to 59% of all windfalls in 2022/23.

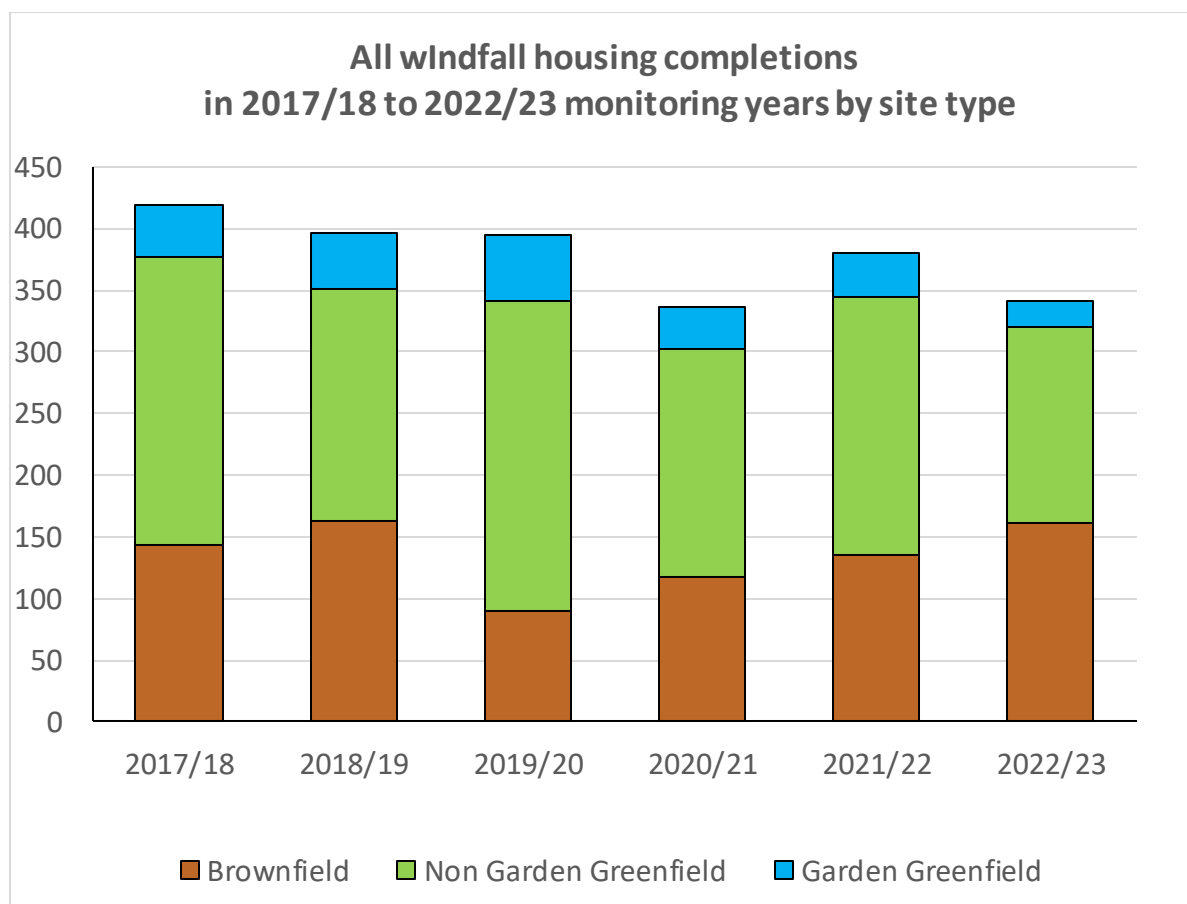


TABLE 4 All windfall housing completions in East Devon in 2017/18 to 2022/23 monitoring years by site type.

Year	No of Dwellings			TOTAL
	Brownfield	Non Garden Greenfield	Garden Greenfield	
<b>2017/18</b>	143	234	42	419
<b>2018/19</b>	163	188	45	396
<b>2019/20</b>	90	252	53	395
<b>2020/21</b>	118	184	34	336
<b>2021/22</b>	136	208	36	380
<b>2022/23</b>	162	158	21	341
<b>TOTAL</b>	<b>812</b>	<b>1224</b>	<b>231</b>	<b>2267</b>

Source: 2023 HMU and EDDC monitoring database

GRAPH 4 All windfall housing completions in 2017/18 to 2022/23 monitoring years by site type



Source : Table 4

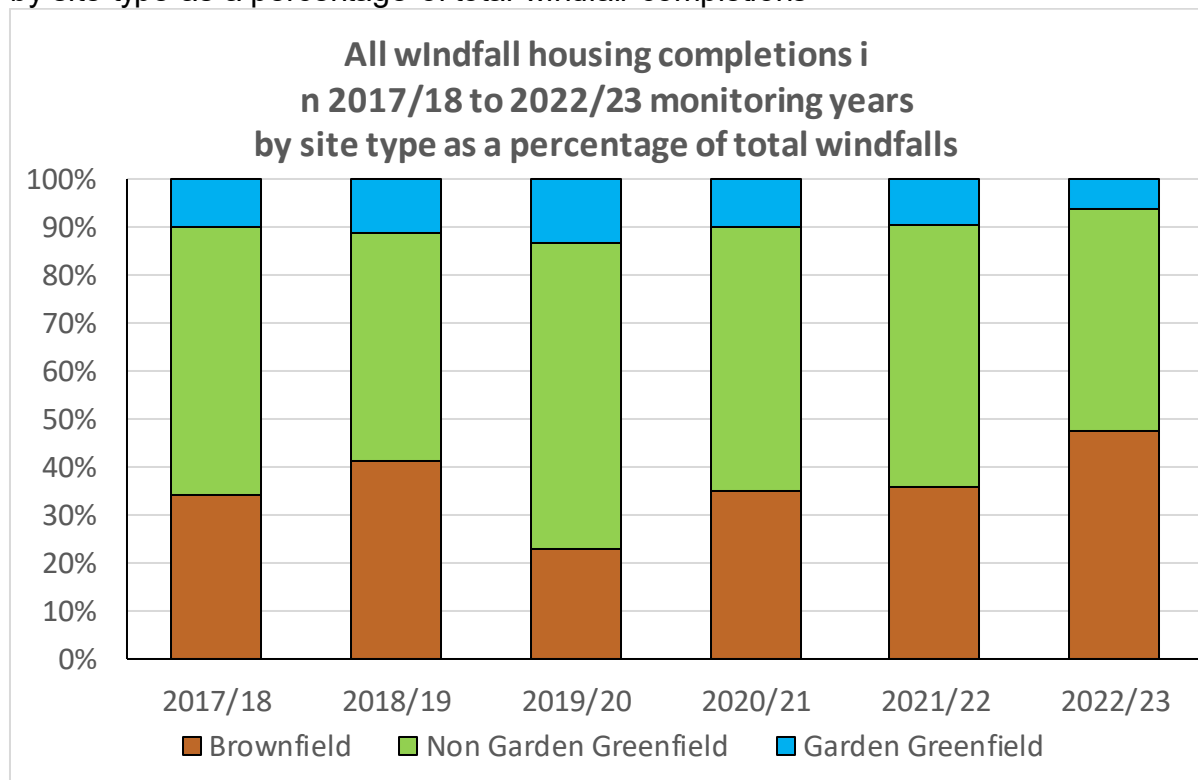
TABLE 5 All windfall housing completions in East Devon in 2017/18 to 2022/23 monitoring years by site type as a percentage of total windfall completions

Year	Percentage of total no. of dwellings			TOTAL
	Brownfield	Non Garden Greenfield	Garden Greenfield	
2017/18	34	56	10	100
2018/19	41	47	11	100
2019/20	23	64	13	100
2020/21	35	55	10	100
2021/22	36	55	9	100
2022/23	48	46	6	100
<b>TOTAL</b>	<b>36</b>	<b>54</b>	<b>10</b>	100

Source: 2023 HMU and EDDC monitoring database

Note: Percentage figures may not sum to 100% due to rounding

GRAPH 5 All windfall housing completions in 2017/18 to 2022/23 monitoring years by site type as a percentage of total windfall completions



Source : Table 5

## Analysis

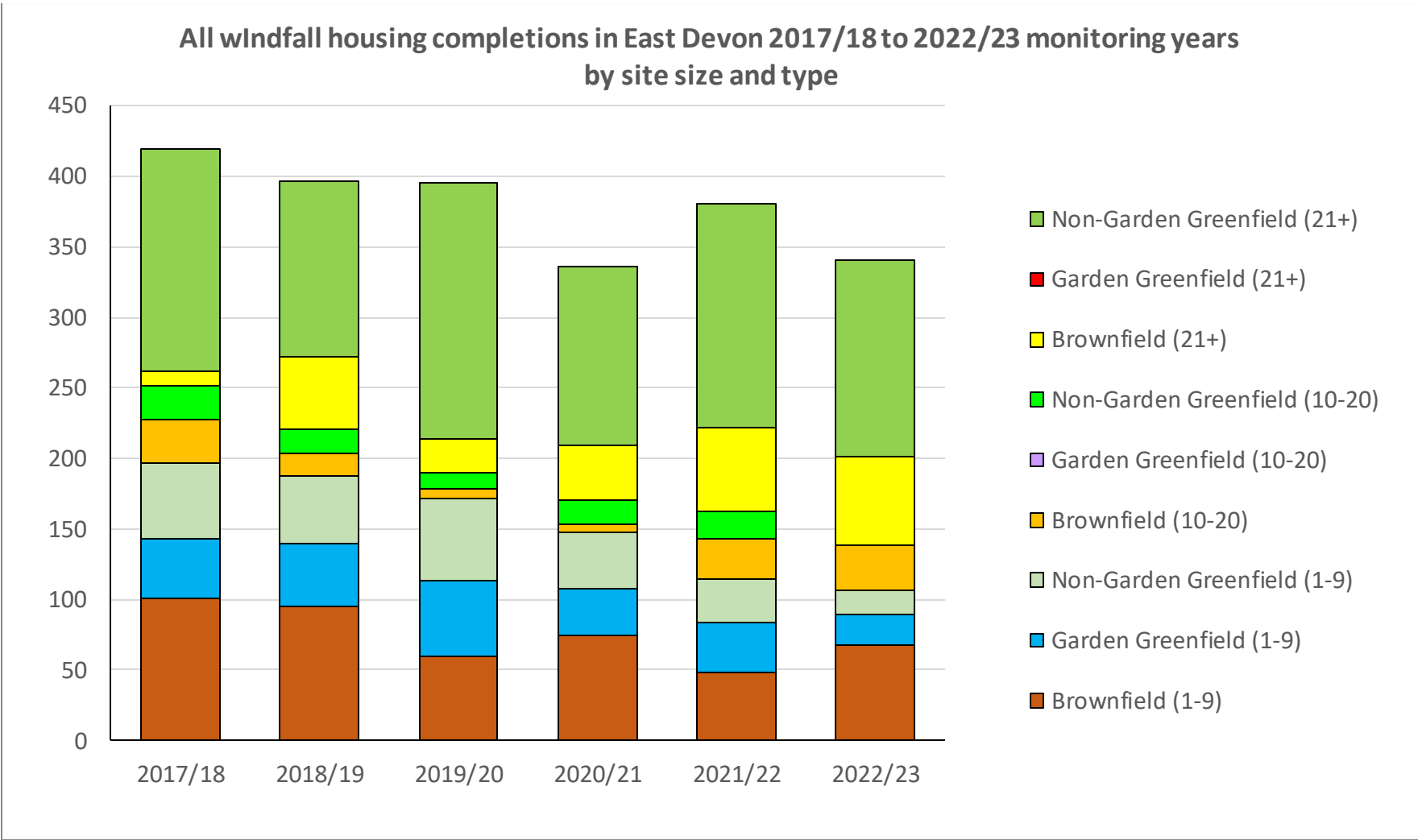
- 4.7. Annual total net completions on all windfall sites decreased by 19% from 419 in 2017/18 to 341 in 2022/23, with a low of 336 in 2020/21, but this masks changes over time and by site type as follows:
- Annual total net completions on brownfield sites increased by 13% from 143 in 2017/18 to 162 in 2022/23, but varied across the years, the lowest being 90 completions in 2019/20.
  - Annual total net completions on greenfield non-garden sites decreased by 32% from 234 in 2017/18 to 158 in 2022/23. The total varied across the years, with a high of 252 in 2019/20, but has since declined
  - Annual total net completions on greenfield garden sites decreased by 50% from 42 in 2017/18 to 21 in 2022/23. Again, the total varied across the years, with a high of 53 in 2019/20 but has since declined.
- 4.8. Across the period 2017/18 to 2022/23, windfalls were split 36:54:10 between brownfield, non-garden greenfield, and garden greenfield sites, but this masks changes over time and site type as follows:
- Brownfield sites accounted for 36% of all windfalls. They increased from 34% in 2017/18 up to 48% of all windfalls in 2022/23 but varied across the years with a low of 23% of all windfalls in 2019/20.
  - Non garden greenfield sites are the largest category of windfall completions over the period 2017/18 to 2022/23. However, the percentage decreased from 56% in 2017/18 down to 46% in 2022/23. The highest percentage was 64% of all windfalls in 2019/20.
  - Garden greenfield sites is the smallest supply category, accounting for 10% of all windfalls. They decreased from 10% in 2017/18 to 6% in 2022/23, but again this varied across the years with the highest rate of 13% of all windfalls in 2019/20.
- 4.9. Tables 6 to 9 breakdown the windfall sites by site size and type, and show these as percentages of total windfalls.

TABLE 6 All windfall housing completions in East Devon in 2017/18 to 2022/23 monitoring years by site size and type

Year	1-9 Dwellings			10-20 Dwellings			21+ Dwellings		
	Brownfield (1-9)	Garden Greenfield (1-9)	Non-Garden Greenfield (1-9)	Brownfield (10-20)	Garden Greenfield (10-20)	Non-Garden Greenfield (10-20)	Brownfield (21+)	Garden Greenfield (21+)	Non-Garden Greenfield (21+)
2017/18	101	42	54	31	0	23	11	0	157
2018/19	95	45	47	17	0	17	51	0	124
2019/20	60	53	59	6	0	12	24	0	181
2020/21	74	34	40	5	0	17	39	0	127
2021/22	48	36	31	28	0	19	60	0	158
2022/23	68	21	18	32	0	0	62	0	140
<b>TOTAL</b>	<b>446</b>	<b>231</b>	<b>249</b>	<b>119</b>	<b>0</b>	<b>88</b>	<b>247</b>	<b>0</b>	<b>887</b>

Source: 2023 HMU and EDDC monitoring database

GRAPH 6 All windfall housing completions in East Devon in 2017/18 to 2022/23 monitoring years by site size and type



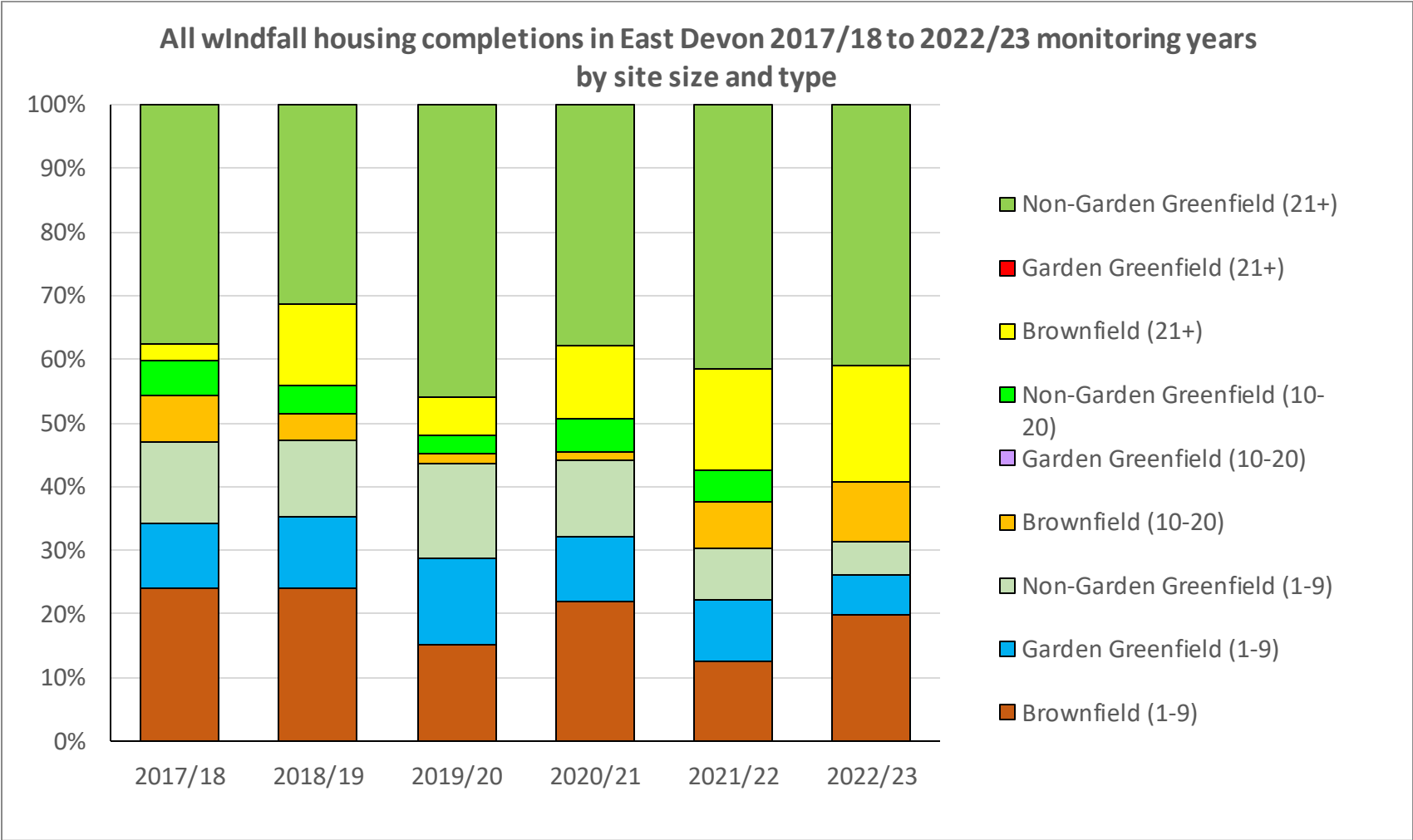
Source : Table 6

TABLE 7 All windfall housing completions in East Devon in 2017/18 to 2022/23 monitoring years by site size and type as a percentage of all windfalls

Year	1-9 Dwellings			10-20 Dwellings			21+ Dwellings		
	Brownfield (1-9)	Garden Greenfield (1-9)	Non-Garden Greenfield (1-9)	Brownfield (10-20)	Garden Greenfield (10-20)	Non-Garden Greenfield (10-20)	Brownfield (21+)	Garden Greenfield (21+)	Non-Garden Greenfield (21+)
2017/18	24	10	13	7	0	5	3	0	37
2018/19	24	11	12	4	0	4	13	0	31
2019/20	15	13	15	2	0	3	6	0	46
2020/21	22	10	12	1	0	5	12	0	38
2021/22	13	9	8	7	0	5	16	0	42
2022/23	20	6	5	9	0	0	18	0	41
<b>TOTAL</b>	20	10	11	5	0	4	11	0	39

Source: 2023 HMU and EDDC monitoring database

GRAPH 7 All windfall housing completions in East Devon in 2017/18 to 2022/23 monitoring years by site size and type as a percentage of all windfalls



Source: Table 7

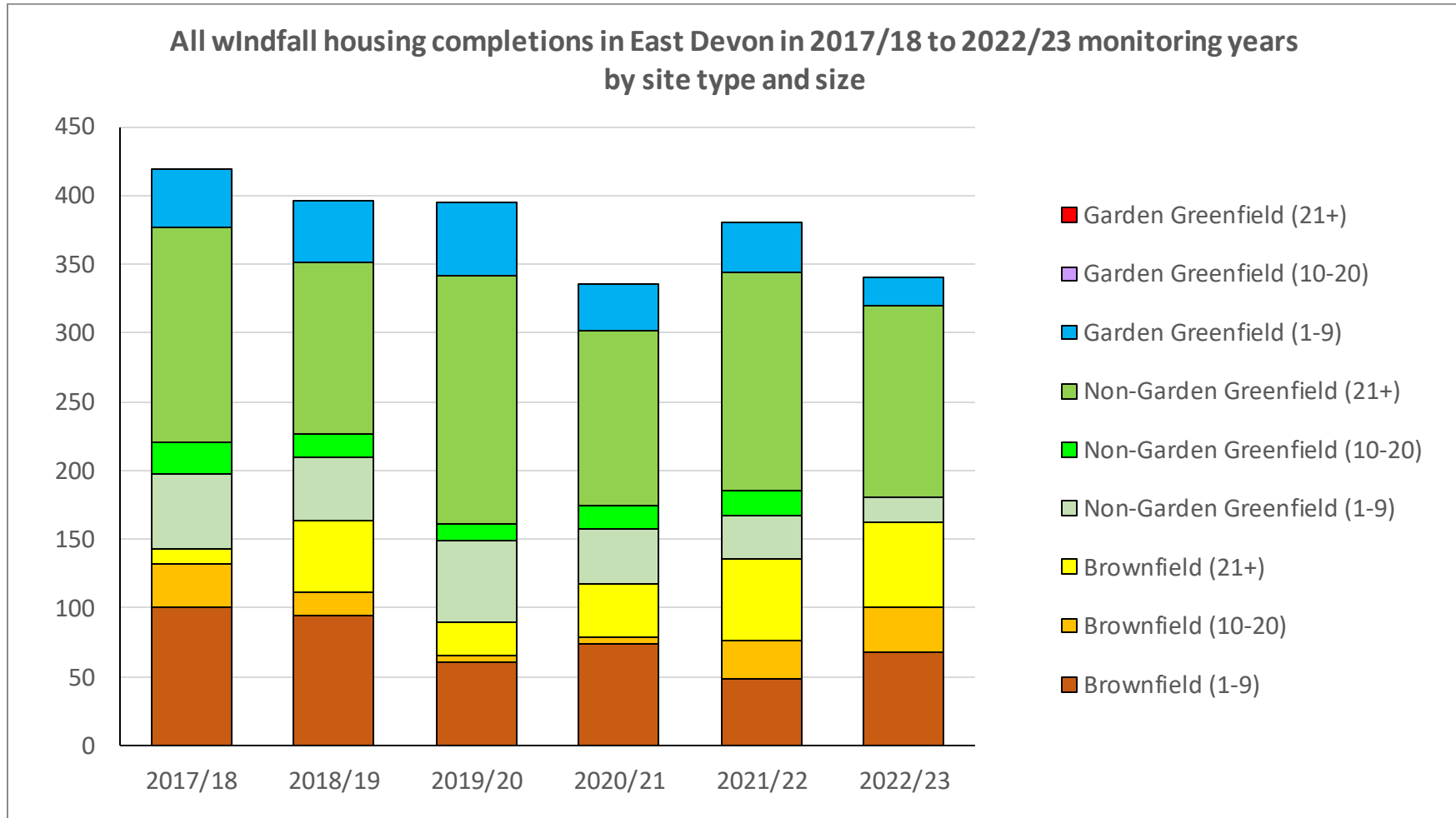
TABLE 8 All windfall housing completions in East Devon in 2017/18 to 2022/23 monitoring years by site type and size

Year	Brownfield (1-9)	Brownfield (10-20)	Brownfield (21+)	Non-Garden Greenfield (1-9)	Non-Garden Greenfield (10-20)	Non-Garden Greenfield (21+)	Garden Greenfield (1-9)	Garden Greenfield (10-20)	Garden Greenfield (21+)	TOTAL
2017/18	101	31	11	54	23	157	42	0	0	419
2018/19	95	17	51	47	17	124	45	0	0	396
2019/20	60	6	24	59	12	181	53	0	0	395
2020/21	74	5	39	40	17	127	34	0	0	336
2021/22	48	28	60	31	19	158	36	0	0	380
2022/23	68	32	62	18	0	140	21	0	0	341
<b>TOTAL</b>	<b>446</b>	<b>119</b>	<b>247</b>	<b>249</b>	<b>88</b>	<b>887</b>	<b>231</b>	<b>0</b>	<b>0</b>	<b>2267</b>

Source: 2023 HMU and EDDC monitoring database



GRAPH 8 All windfall housing completions in East Devon in 2017/18 to 2022/23 monitoring years by site type and size



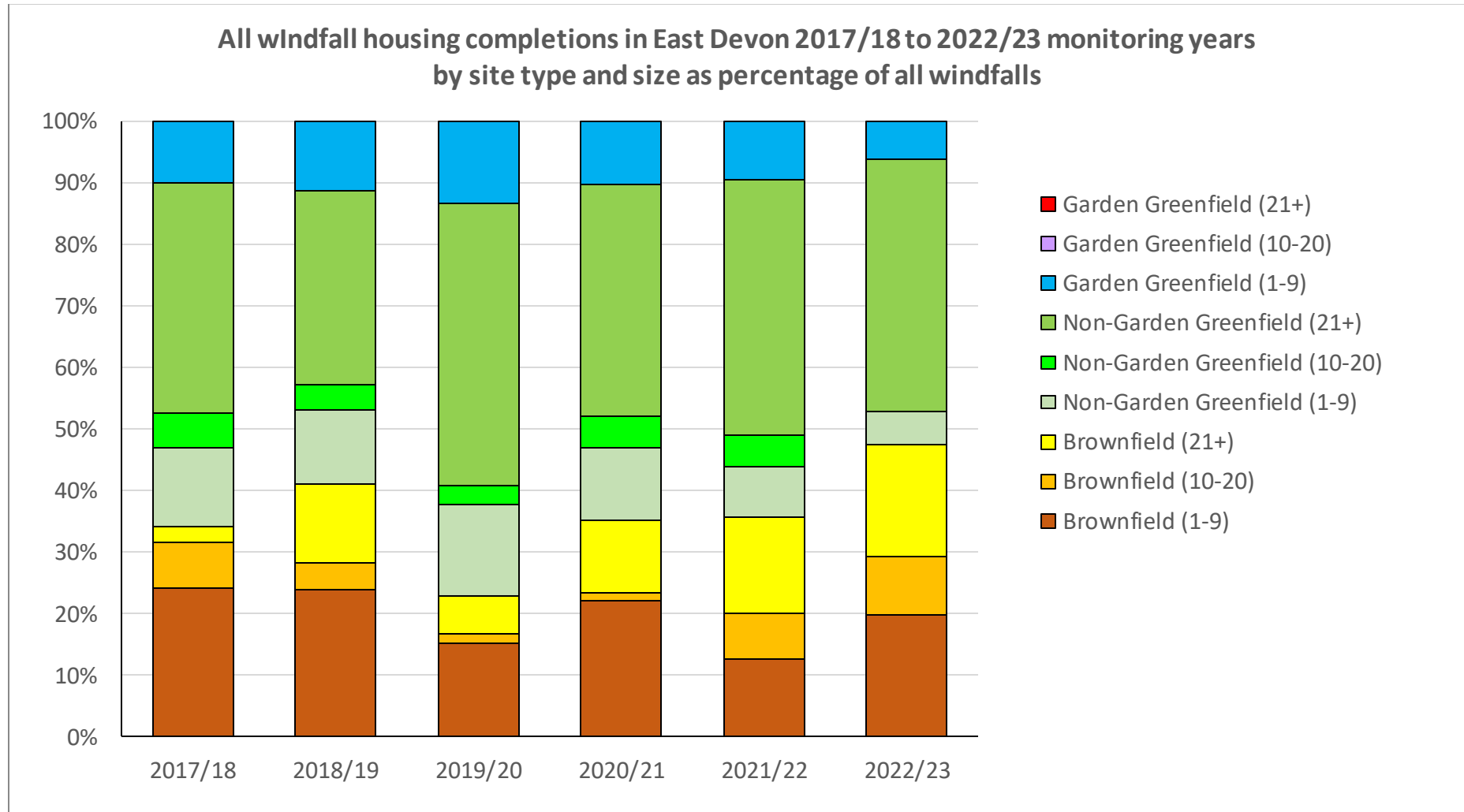
Source : Table 8

TABLE 9 All windfall housing completions in East Devon in 2017/18 to 2022/23 monitoring years by site type and size as a percentage of all windfalls

Year	Brownfield (1-9)	Brownfield (10-20)	Brownfield (21+)	Non-Garden Greenfield (1-9)	Non-Garden Greenfield (10-20)	Non-Garden Greenfield (21+)	Garden Greenfield (1-9)	Garden Greenfield (10-20)	Garden Greenfield (21+)	TOTAL
2017/18	24	7	3	13	5	37	10	0	0	100
2018/19	24	4	13	12	4	31	11	0	0	100
2019/20	15	2	6	15	3	46	13	0	0	100
2020/21	22	1	12	12	5	38	10	0	0	100
2021/22	13	7	16	8	5	42	9	0	0	100
2022/23	20	9	18	5	0	41	6	0	0	100
<b>TOTAL</b>	20	5	11	11	4	39	10	0	0	100

Source: 2023 HMU and EDDC monitoring database

GRAPH 9 All windfall housing completions in East Devon in 2017/18 to 2022/23 monitoring years by site type and size as a percentage of all windfalls



Source : Table 9

**B) Non garden and brownfield windfalls on sites of 21 or more dwellings.**

**Analysis**

4.10. The following assessment focuses on windfalls sites of 21 or more dwellings by windfall type (i.e. non garden; garden; brownfield).

**1. Non garden greenfield (21+)**

4.11. Over the period 2017/18 to 2022/23, the type of windfall site comprising the highest number of completions (887) and the highest percentage of windfalls (39%) was non-garden greenfield sites of 21 and more dwellings. Over that period, the rate increased from 37% in 2017/18 to 41% in 2022/23 but varied between 31% (in 2018/19) to 46% (in 2019/20).

4.12. Only 12 sites contributed to this supply category (See Table 10) and most of these sites were on land previously in agricultural use. 3 sites were in the West End of the district (291 completions), the other 9 were in the Rest of East Devon (596 completions)

TABLE 10 List of Non-Garden Greenfield Windfall sites of 21 and more dwellings with completions 2016/17 to 2022/23

Site	Site Capacity	Completions 1/4/2017 – 31/03/2023	Previous use
Old Park Farm Phase 2 #	317	251	Agricultural land
Equinox III, Exeter Science Park, Clyst Honiton	147	5	Agricultural land
Moonhill Copse, West Clyst, near Pinhoe, Poltimore Way #	35	35	Paddock
Land west of Hayne Lane, Honiton #	291	216	Agricultural land
Plumb Park, Exmouth #	268	208	Agricultural land
Land east of Butts Road, Higher Ridgeway, Ottery St Mary * #	130	21	Agricultural land
Land Adjoining Withycombe Brook, Exmouth	52	51	Agricultural land/ paddocks @
Former Gerway Nurseries, Ottery St Mary #	45	42	Horticultural nursery -
land north Of Higher Ridgeway, Ottery St Mary #	31	12	Agricultural land/ Allotments
land at rear of West Close, West Street, Axminster	30	18	Paddock/trees & garage on road frontage
land west of Woodbury Road, Clyst St George * #	25	25	Agricultural land pasture
Hawkwell Park & Sunnyside, Wareham Road, Hawkchurch Axminster \$	23	3	Caravans
TOTAL		887	

Notes:

*# The Council was not able to demonstrate a 5 year land supply at the date when Committee considered the first application for residential development on the site.*

*\* Appeal allowed*

*@'(Policy EN2 -Valley Parks, Exmouth)*

*\$ Historic council database records 3 completions, but use of the caravans on this site is restricted to Gypsy and Traveller use, so the 3 units should not be counted as unrestricted residential use.*

4.13. It should be noted that Table 10 does not include the following Non-garden Greenfield sites of 21 or more dwellings in the West End of the district. Those sites were windfalls at the time of committee consideration of the application (or at appeal). However, they are no longer windfalls because they were subsequently allocated for residential development in the adopted East Devon Local Plan (EDLP) 2013 to 2031:

- Redhayes, North of Blackhorse Lane (east of and abutting the Science Park) (613 capacity; 519 completions) - planning approval before the adoption of the EDLP but site subsequently allocated in the adopted EDLP. This site was on agricultural land. #
- Pinn Court Farm (430 capacity – now net 426; 296 completions) - planning approval before the adoption of the EDLP but site subsequently allocated in the adopted EDLP. This site was on agricultural land The outline planning application was allowed on appeal. #
- Mosshayne (north of Titebarn Lane and west of the intermodal site) (900 capacity; 193 completions) – Committee resolution to grant planning approval before the adoption of the EDLP but site subsequently allocated in the adopted EDLP. This site was on agricultural land. #

Note: *# The Council was not able to demonstrate a 5 year land supply at the date when Committee considered the first application for residential development on the site and/or a planning appeal was allowed.*

## **2. Brownfield (21+)**

4.14. A further 247 dwellings completions comprising 11% of all windfalls came from brownfield sites of 21 or more dwellings, with the rate rising from 3% in 2017/18 to 18% in 2022/23. Only 7 sites contributed to this supply category (see Table 11) and they were previously developed land with a mix of uses.

TABLE 11 List of Brownfield Windfall sites of 21 and more dwellings with completions 2016/17 to 2022/23

Site	Site Capacity	Completions 1/4/2017 – 31/03/2023	Previous use
Pankhurst Close Trading Estate, Exmouth*	120	105	Industrial (north)/ Agricultural land (south)
Amberside Square / Tigers Way, Axminster **	72	8	Former football ground site
Green Close, Drakes Avenue, Sidford, Sidmouth \$	40	38	Former care home
at Exebank & Danby House, Mudbank Lane, Exmouth \$	36	36	Former care home
land north of Acland Park, Feniton #	32	25	Farm buildings
Davey Court, Buckingham Close, Exmouth \$	30	30	Former care home
The Cedars, Otter Valley Park, Honiton ##	28	5	Holiday lodges
TOTAL		247	

Notes:

\* *This site was part brownfield (industrial buildings in the north of the site) and part greenfield (agricultural land) in the south) but is recorded as brownfield on the monitoring database.*

\*\* *This site was part brownfield (clubhouse/changing rooms/carpark) and part greenfield (football pitch) but is recorded as brownfield on the monitoring database.*

\$ *The completions are gross figures (the loss of the bedrooms in the former care homes are counted separately)*

# *Recorded as brownfield on the monitoring database.*

## *Now with approval for unrestricted permanent residential use.*

**C) Brownfield and non-garden land windfall sites of 20 or less dwellings**

**Analysis**

4.15. The following assessment focuses on windfalls sites of 1 to 20 dwellings by windfall type (i.e. brownfield, non garden greenfield) and by size (10 to 20 dwellings; 1 to 9 dwellings).

**1. Brownfield (10 to 20 dwellings)**

4.16. 119 completions on 15 brownfield sites of 10-20 dwellings comprised 5% of all windfalls. The percentage varied over time from 1 to 9% (See Table 12) and previously were a mix of uses on previously developed land.

TABLE 12 List of Brownfield Windfall sites of 10 to 20 dwellings with completions 2016/17 to 2022/23

Site	Site Capacity	Completions 1/4/2017 – 31/03/2023	Previous use
Q Club, Elm Grove, Exmouth	18	15	Snooker Club/ Night club
Pier Head, Mamhead View, Exmouth	14	11	Retail units and area for parking/servicing
Dunsinane, Maer Road, Exmouth	14	1	3 buildings (former halls of residence)
Heathfield House , Rosemount Lane, Honiton	14	5	1 dwelling & garden
Site of Marist Convent, 8 Broad St, Ottery St Mary	12	8	Part is hardstanding /parking area /tennis courts; Part is garden area of former convent *
34 Cranford Avenue, Exmouth	12	11 (net)	1 dwellings and garden
4 Elwyn Road, Exmouth	12	10 (net)	2 apartments & garden
Long Range Hotel, Whimble @	12	4	Holiday accommodation
Former Haldon Court Hotel, 34 Douglas Avenue, Exmouth	11	9	Hotel
1 Sarltdown Rd Exmouth	10	9	1 dwelling & garden
14 Rolle Street Exmouth	10	8	1HMO and 1 apartment
83 Salterton Road, Exmouth	10	8	1 dwelling & garden
Land at Lilac Haven, Jerrard Close , Honiton	10	4	1 dwelling & garden
Blossom Hill Park, Louis Way, Dunkeswell @	10	3	Holiday park
South Whimble Farm, Clyst Honiton	19	13	Industrial buildings
<b>TOTAL</b>		<b>119</b>	

Notes:

\* *Monitoring database records site as brownfield*

@ Historic council database records completions, but use of the caravans on this site is restricted to holiday accommodation.

## 2. Brownfield (1 to 9 dwellings)

- 4.17. The type of windfall site comprising the next highest total (446 completions) and next highest percentage (20%) of all windfalls was on non major brownfield sites (i.e. 1 to 9 dwellings) in the period 2017/18 to 2022/23. This share fell from 24% in 2017/18 down to 20% in 2022/23, with a low point of 13% in 2021/22, but has risen since then. These are on hundreds of sites across East Devon on land that were previously developed (i.e. brownfield). Most of the sites are for 1 or 2 dwellings, where the dwellings are achieved by redevelopment, change of use or conversion.

## 3. Non Garden Greenfield (10 to 20 dwellings)

- 4.18. Similarly, 88 dwellings on 9 non-garden greenfield sites of 10-20 dwellings only contributed 4% of all windfalls. The percentage varied from 0 to 5%.

TABLE 13 List of Non-garden Greenfield Windfall sites of 10 to 20 dwellings with completions 2016/17 to 2022/23

Site	Site Capacity	Completions 1/4/2017 – 31/03/2023	Previous use
Rear of Jack in the Green, London Rd, Rockbeare	19	6	Agricultural land
Land north of Yaffles, Coly Road, Colyton #	16	16	Horticultural nursery
land to the west of Strawberry Hill, Lypstone	15	15	Agricultural land
Land at Barton Orchard, Tipton St John	15	15	Agricultural land
land adjacent to North Star, Ottery Street, Otterton	14	14	Agricultural land (rough grazing)
Land at Marcus Road, Exmouth	14	5	2 land parcels – scrub/grass/trees
Willow View Park, Whimble	13	4	Rough disturbed ground 2 buildings *
land south of Glebe Close, Upton Pyne #	10	3	Agricultural land (pasture)
West Hayes, West Hill Road, West Hill	10	10	Grassland, scrub, parkland
TOTAL		88	

Notes:

# The Council was not able to demonstrate a 5 year land supply at the date when Committee considered the first application for residential development on the site

\* Monitoring database records sites as greenfield



#### **4. Non Garden greenfield (1 to 9 dwellings)**

- 4.19. 249 dwellings comprising 11% of all windfalls came from non major (1-9 dws) on non-garden greenfield sites, but the rate declined from 13% in 2017/18 down to 5% in 2022/23. There are over 100 sites, mostly for 1 or 2 dwellings. They include conversion of agricultural/forestry buildings to residential use, including Class Q developments).

## **D) Garden land windfalls**

### **Analysis**

4.20. The following assessment focuses on garden land windfalls sites by size (sites of 1 to 9 dwellings; 10 to 20 dwellings; and 21+dwellings). It uses data from Tables 8 and 9 in this paper.

#### **1. Garden greenfield (1 to 9 dwellings)**

4.21. 231 completions on garden greenfield windfall sites were delivered on sites of 1 to 9 dwellings over the period 2017/18 to 2022/23. They contributed 10% of all windfalls in that period. The rate declined from 10% in 2017/18 down to 6% in 2022/23, although it varied over that period, with a high of 13% in 2019/20. There are about 180 sites, mostly for 1 or 2 dwellings, but 18 sites are for 3 to 8 dwellings).

#### **2. Garden greenfield (10 to 20 dwellings)**

4.22. Over the period 2017/18 to 2022/23 there were no completions on garden greenfield windfall sites of 10 to 20 dwellings and none on sites of 21 or more dwellings. This is not too surprising, mindful that few residential gardens would be capable of accommodating 10 or more dwellings, without the risk of resulting in extremely high densities that might adversely impact on the character of the locality.

#### **3. Garden Greenfield (21+)**

4.23. Over the period 2017/18 to 2022/23 there were no completions on garden greenfield windfall sites of 21 or more dwellings. This is not too surprising, mindful that very few residential gardens would be capable of accommodating 21 or more dwellings, without the risk of resulting in extremely high densities that might adversely impact on the character of the locality. It should be noted that parkland sites are not included in this windfall category (Parkland sites are categorised as Non garden land).